

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Arne Borthing (name of claimant)
of 816 N. 47th St. Seattle, WA 98103, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Curley Creek, tributary to, Kootenai River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--------------------|----------------------------|---|
| Amount <u>0.07</u> | Use <u>stockwater</u> | Period of Use: From <u>Jan 1</u> To <u>Dec 31</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| (cfs, gpm or a/f) | (dom., irri., stock, etc.) | (both dates inclusive) |

(3) Total quantity of water claimed: 0.07 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1957

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
W¹/₂ NW ¹/₄, Sec. 15 Twp. 62N Rge. 3E B. M. County of Boundary
Additional points of diversion: E¹/₂ SW¹/₄ Sec. 15, T62N, R3E B.M.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Cattle drinking from stream

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

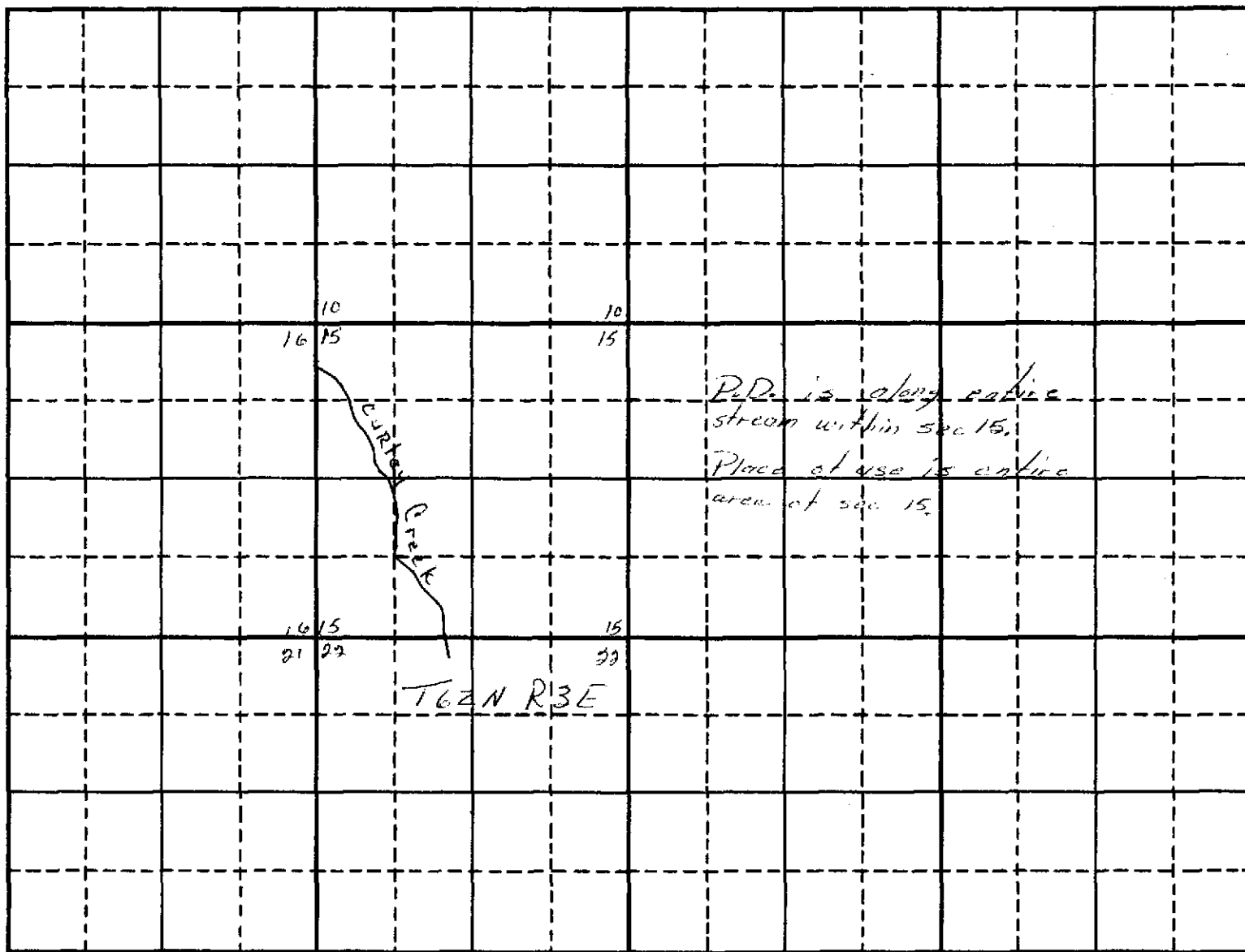
T	R	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
62N	3E	15	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 250 head.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Butte) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

x Arne Borthino
(Claimant)

Sworn to before me this 24 day of August, 1977

Ala. But
Notary Public
Residing at Butte

My commission expires September

For Department Use Only

Received by <u>SK</u>	Date <u>8-24-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SK</u>	Date		claimant by:	
\$10.00 fee received by <u>SK</u>	Date <u>8-24-77(5754)</u>			
Approved for publication by <u>RAA</u>				
Published in <u>Butte County Record</u>				
Dates <u>9-1-77</u>				
<u>OK 9-19-77 R.S.</u>				

**NOTICE OF CLAIM TO
A WATER RIGHT**

NO. 98-4082

Notice is hereby given that Arne Borthing, 816 N. 47th St., Seattle, Wash., has filed a claim to a water right established by diversion and application to beneficial use of 0.07 cubic feet per second of water from Curley Creek, tributary to Kootenai River with point of diversion in the W $\frac{1}{2}$ NW $\frac{1}{4}$, & E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T62N, R3E B.M. Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater for 250 head of cattle with a priority of 1957; the place of use is within the all of Sec. 15, T62N, R3E B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on September 1 and September 8, 1977.idwr

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Claim #98-4082

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 1, 1977, and ending with the issue dated Sept. 8, 1977.

Subscribed and sworn to before me this 15 day of Sept, 1977

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Idaho Turnbull, bkpr. for W. H. Chubb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Claim 798-4082

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 1, 19 77 and ending with the issue dated Sept. 8, 19 77

Idaho Turnbull, bkpr.
Subscribed and sworn to before me this 15 day of Sept, 19 77

Keith Allwood
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 21, 1994

MARK OWENS
DELIA OWENS
C/O LANIGAN & ASSOC
PO BOX 1899
THOMASVILLE GA 31799

RE: Water Right No. 98-04082

Dear Mr. & Mrs. Owens:

I recently received a 'New Property Owner Change of Water Right Ownership' form on the above water right. This water right was claimed under 42-243, Idaho Code, and is known as a statutory claim.

In Idaho, a claimed water right is considered real property; proof of owning the land is proof of owning the water right unless extenuating circumstances exist.

Idaho statute does not provide a means for changing ownership of this type of water right, but I have placed your correspondence in the file for future reference.

If you have any further questions or require assistance, please feel free to contact me directly at (208) 327-7944.

Respectfully,

Cindy Zimmerman
Cindy Zimmerman
Water Resource Agent

DEC 15 1994

RECEIVED

OCT 21 1994

Department of Water Resources



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Sep 28, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 62 N Range 3 E
Section 15, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 98-4082
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Arne Borthing
- ☐ New Owner/Claimant (Purchaser): Mark and Delia Owens
c/o Hanigan & Associates
- ☐ New Mailing Address: P.O. Box 1899
Thomasville, GA 31799
- ☐ New Telephone Number: (404) 270-0729
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Mark Owens Date 10.14.94
Dr Delia Owens Date 10.14.94
- ☐ Signature of Former Owner/Claimant(s) [Signature] Date 10.14.94
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

DEC 15 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

DEC 15 1994

WARRANTY DEED

0175152

For Value Received

ARNE BORTHING and ANNE BORTHING, husband and wife

The grantor s do hereby grant, bargain, sell and convey unto

MARK J. OWENS and DELIA D. OWENS, husband and wife
the grantee , whose current address is c/o Mr. Bernie Lanigan, Lanigan & Associates,
P. O. Box 1899, Thomasville, GA 31799
the following described premises, in

BOUNDARY

County Idaho, to-wit:

All of Section Fifteen (15), Township Sixty-two (62) North,
Range Three (3) East, B.M., Boundary County, Idaho, LESS
Government Lots One (1) and Two (2), of said Section Fifteen
(15), Township Sixty-two (62) North, Range Three (3) East,
B.M., Boundary County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

SUBJECT to such rights, easements, covenants, restrictions and
zoning regulations as appear of record or by use upon the premises.

and that t he Y will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/28/94

Arne Borthing
ARNE BORTHING

Ann

Arne Borthing
ANNE BORTHING

STATE OF IDAHO, COUNTY OF Boundary

On this 28th day of September, 19 94
before me, a notary public in and for the said State, personally
appeared

ARNE BORTHING
ANNE BORTHING

known or identified to me to be the person s whose name s
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Sharon Delaney

Notary Public

Residing at Bonners Ferry
Comm. Expires 10/7/97

Idaho

STATE OF IDAHO, COUNTY OF Boundary

I hereby certify that this instrument was filed for record at the
request of Boundary Abstract

at 45 minutes past 12:00 o'clock P.
this 28th day of September
1994, in my office, and duly recorded in Book 97
of Instruments at Page 502

NORMA J. ESTEP

Ex-Officio Recorder

By

C. Horton

Deputy.

Fees \$

50.00

Mail to:

B.O.

INSTRUMENT NO.

DEC 1 5 1994



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

4055 Government Way

667-6484

COEUR D' ALENE, IDAHO 83814

September 20, 1977

RE: Claim No. 98-4082 (#98-4083 was misadvertised & must be reprocessed)
(you will receive it in a month or so)

Arne Borthing
816 N 47th St
Seattle, Wa 98103

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 25, 1977

Re: Claim to a Water Right No. 98-4082, 98-4083 - Borthing

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Dr. J. L. Allen
9-19-77
B

**NOTICE OF CLAIM TO
A WATER RIGHT
NO. 98-4082**

Notice is hereby given that Arne Borthing, 816 N. 47th St., Seattle, Wash., has filed a claim to a water right established by diversion and application to beneficial use of 0.07 cubic feet per second of water from Curley Creek, tributary to Kootenai River with point of diversion in the W $\frac{1}{2}$ NW $\frac{1}{4}$, & E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T62N, R3E B.M. Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater for 250 head of cattle with a priority of 1957; the place of use is within the all of Sec. 15, T62N, R3E B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on September 1 and September 8, 1977.idwr

OK

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4082

Notice is hereby given that Arne Borthing

816 N. 47th St. Seattle, WA

has filed a claim to a water right established by diversion and application
to beneficial use of 0.07 cubic feet per second ~~gallons per minute~~

of water from Curley Creek, tributary to Kootenai River

with point of diversion in the W $\frac{1}{2}$ NW $\frac{1}{4}$, & E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 15, T62N, R3E B.M.

Boundary County

The water is claimed to be used from Jan 1 to Dec 31 for

stockwater for 250 head of cattle.

with a priority of 1957;

the place of use is within the all of Sec 15, T62N, R3E B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the Bonnors Ferry Herald, Bonners Ferry, ID

on September 1 and September 8, 1977

RECORDED

RECEIVED

June 30. 1977

Gentlemen,

JUL 5 1977

You are welcome to go over my property any time.

I think that Creek who is flowing down to Curley Creek is called Finley Creek

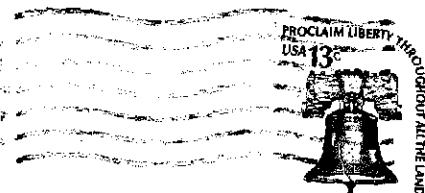
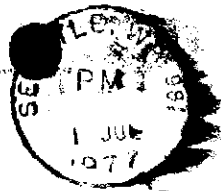
Any questioning please contact Larry Hall he is living on the property for some time being

267-2577

3291

Snaserley
Anne Portman

Arne Berthing
816 N 47 th
Seattle.Wa,98103



State Of Idaho
Department Of Water Resources
Northern District Office
4055 Government Way, Coeur d,Alene,
Idaho.83814

906-634-2217

August 10, 1977

Mr. Arne Borthing
Rt. 1
Moyie Springs, ID 83845

Dear Mr. Borthing:

Your check #19-90/1250 in the amount of \$10.00, and your Claim to a Water Right are being returned to you for clarification. I have taken the liberty of partially filling out a Claim based on the information provided. To be of any value to you, the Claim should be completed as out-lined below.

Item # 1, check to be sure that Kingsley Creek is a tributary to Curley Creek.

Item # 2. I have been unable to arrive at any firm information to use in answering this question. You state that the water used is for domestic use only. You also state you have used it for the farm for 6 years. I have therefore filled in for you 0.04 cfs for domestic use for one household. If you irrigate any of the land (other than $\frac{1}{2}$ acre of yard & garden, which would be covered under the 0.04 cfs domestic) please enter the information on the line below the domestic use. To compute the amount used for irrigation, multiply 0.02 cfs times the total number of acres that have actually been irrigated since 1971. If you have more than 50 head of stock, please enter stock water in the space provided. I have enclosed a form from which the amount of water used by the cattle can be derived.

Item # 3. Please add the cfs (cubic feet per second) listed under item # 2 and enter the total in the space provided.

Item # 5. a. Please enter the 40 acre section subdivision within the boundaries of which your pump, headgate or gravity flow pipeline extract the water from Kingsley Creek. The sample sheet enclosed should aid you in completing this item.

Item # 5. b. You have underlined pipeline, if your method of transferring the water is by gravity flow please so indicate.

Page 2.
August 10, 1977
Mr. Arne Borthing

Item # 6. a. The enclosed sample should help you to complete this item.

Item # 6. b. If the water is for stock please indicate the number of stock.

On the back of the claim I have prepared a map for your convenience. The sample should explain what information is still required to complete the map.

If you have any further questions or if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

TOM KING
Senior Water Resource Agent

TK/sdw

Enclosure